

REMARKS/ARGUMENTS

Reconsideration of the application following entry of the above amendments is respectfully requested. In this reply, Claims 1, 19, 38, and 42 have been amended. Claims 47-63 have been canceled. Claims 64-70 have been added. Hence, Claims 1-46 and 64-70 are pending in the application. The amendments do not add any new matter to the application.

OBJECTIONS TO THE SPECIFICATION AND DRAWINGS

The Office Action objected to the specification and drawings. The specification and drawings have been amended to remedy the deficiencies noted in the Office Action. The Abstract has been amended so that it no longer exceeds 150 words. Corrected drawings are submitted with this reply. Therefore, withdrawal of the objections to the specification and drawings are respectfully requested.

REJECTIONS BASED ON CITED REFERENCES

Claims 1-63 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,535,895 to Schmidt, et al. ("Schmidt").

Claims 47-63 are canceled by this reply, thereby obviating the rejections of those claims. The independent claims from which the remainder of the rejected claims depend have been amended to further accentuate the distinctions between the inventions recited in those claims and the subject matter disclosed in Schmidt.

Specifically, Claims 1, 19, 38, and 42 all have been amended to recite that the JAVA code libraries that are compared to the JAVA code patches are the "to-be-patched" JAVA code libraries. At least because the libraries to which the patches are compared are the "to-be-patched" JAVA code libraries, the content of these claims differs from what Schmidt discloses.

As was explained in the reply to the last Office Action, Schmidt does not disclose that patches are compared to “to-be-patched” libraries. Instead, Schmidt discloses, in col. 10, lines 47-50, that a “difference archive file” is created by comparing an “original archive file” to a “target archive file.” Schmidt goes on to disclose, in col. 11, lines 5-8, that “once the difference archive file has been transmitted to client computer system 102, it is applied to the original archive file assumed to be already present at client computer system 102 to generate a synthesized archive file.”

In contrast, Claims 1, 19, 38, and 42 require that **patches** be compared to the “to-be-patched” libraries to determine which units in the “to-be-patched” libraries are out of date. In Schmidt, the only apparent comparison between any two archive files is the server-side comparison between the “original archive file” and the “target archive file,” and neither of those is the “difference archive file” (the alleged patches). The “original archive file” is **not** compared to the “difference archive file” in Schmidt.

This bears repeating: In Schmidt, it is the “**target** archive file,” and not the “**difference** archive file,” that is compared to the “original archive file.” The Office Action is analogizing the “patches” recited in Claims 1, 19, 38, and 42 to Schmidt’s “difference archive file” rather than Schmidt’s “target archive file.” Yet, the “difference archive file” never appears to be involved in a comparison with any other file.

Therefore, in Schmidt, there is no comparison between the “difference archive file” (the alleged patches) and the archive file that is “to be patched.” Therefore, Schmidt fails to disclose, teach, or suggest the comparison between patches and “to-be-patched” libraries as recited in Claims 1, 19, 38, and 42.

Reasons why this distinction is important were explained in the response to the previous Office Action. Under circumstances where the contents of the “to-be-patched” libraries differ

from the contents of libraries on which the generation of the patches was based, the technique disclosed in Schmidt will not work.

One might be tempted to say that the application of the “difference archive file” to the archive file resident on the client in Schmidt inherently involves a comparison between those files. However, even if that application somehow involved a comparison, the purpose of that comparison could **not** be to determine which aspects of the to-be-patched archive file were “out of date” as required by Claims 1, 19, 38, and 42. Schmidt’s technique compares an “original archive file” to a “target archive file” to generate a “difference archive file.” This server-side comparison is the basis for judging which aspects of the “original archive file” need to be updated. Thus, in Schmidt, there is no further need to compare the “difference archive file” to the to-be-patched archive file on the client to determine which aspects of the latter file are out of date. Indeed, in Schmidt, it is **assumed** that the contents of the “original archive file” on the client are the **same** as the contents of the “original archive file” on the server (col. 11, line 5-8).

For at least the above reasons, Claims 1, 19, 38, and 42 are patentable over Schmidt under 35 U.S.C. §103(a).

Except for Claim 70, all of the other pending claims depend from either Claim 1, 19, 38, or 42. Therefore, these other pending claims are patentable over Schmidt for at least the reasons given above in regard to Claims 1, 19, 38, and 42.

Claim 70 is a new independent claim that recites limitations that differ from those of the other claims. It is respectfully submitted that Claim 70 is also patentable over Schmidt.

CONCLUSION

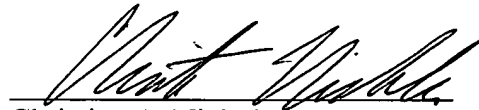
For the reasons set forth above, it is respectfully submitted that all of the pending claims are in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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by

